

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:16-00133-07

SHAYNE SHAMBLEN

MEMORANDUM OPINION AND JUDGMENT ORDER

Pending before the court is defendant's pro se letter-form Motion for a two-point reduction, filed on January 19, 2024, which the court construes as a motion for relief brought pursuant to 18 U.S.C. § 3582(c)(2), to reduce defendant's sentence based on a subsequent reduction in the applicable sentencing guidelines.

On November 1, 2023, a multi-part criminal history amendment designated as Amendment 821 in Appendix C to the *Guidelines Manual* became effective. Pursuant to 18 U.S.C. § 3582(c)(2) "the court may reduce the term of imprisonment ... if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." Inasmuch as the policy statement at U.S.S.G. §1B1.10 Appl. Note 8(A) states "[o]nly a term of imprisonment imposed as part of the original

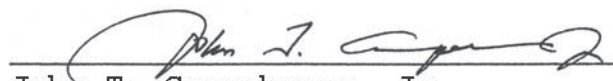
sentence is authorized to be reduced under this section. This section does not authorize a reduction in the term of imprisonment imposed upon revocation of supervised release." Id.

Mr. Shamblin was released from federal custody on his offense of conviction in this case on January 4, 2023, and began his five-year term of supervised release on that same date. The defendant is currently incarcerated on a state charge in a state facility with a federal detainer in place pursuant to a petition for revocation of his supervised release.

Inasmuch as the defendant in this criminal action, has served his imprisonment term originally imposed on the offense of conviction in this case, and the defendant is incarcerated on a state charge, the defendant is not eligible for any relief under Amendment 821. Accordingly, his motion for a reduction of his sentence in this criminal action is hereby ORDERED denied.

The court DIRECTS the Clerk to send a copy of this Order to Defendant, the United States Attorney, the United States Probation Office, and the United States Marshals.

ENTER: July 19, 2024



John T. Copenhagen, Jr.
Senior United States District Judge